

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

Report of the **PUBLIC HEARING**  
Monday, February 28, 2005 at 6:30 p.m.  
Central Saanich Municipal Hall Council Chamber

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**PRESENT:** Mayor Allison Habkirk  
Councillors: King, Korol and Mason  
Gary C. Nason, Administrator  
Trish Flanders, Municipal Clerk  
Hope V. Burns, Director of Planning & Building Services

**ABSENT:** Councillors: Graham, Haddon and Thompson

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**1. APPROVAL OF AGENDA**

281.05 MOVED BY COUNCILLOR MASON  
SECONDED BY COUNCILLOR KOROL  
*That the Agenda for the Public Hearing held on February 28, 2005 be approved as circulated.*  
CARRIED UNANIMOUSLY

**2. INTRODUCTORY STATEMENT BY THE MAYOR**

Mayor Habkirk noted that the purpose of the Public Hearing was to hear representations in regards to the following Bylaw:

1. ***“Central Saanich Land Use Bylaw Amendment Bylaw No. 1516, 2005” [To Create a New Water Area (W-2A) Zone and to Change the Zoning Designation on the Area Described as District Lot 674, Cowichan District, Plan 14T1471 from Water Area (W-1) Zone to Water Area (W-2A) Zone]***

Mayor Habkirk then read a prepared statement outlining the procedures for the Public Hearing.

The Administrator advised the public that extra copies of the Public Hearing Agenda were available for viewing at this Public Hearing. Mr. Nason noted that the Public Hearing Agenda included copies of the Public Hearing Notice, copies of Bylaw No. 1516, relevant background Staff Memoranda, and past Council motions and correspondence relating to the proposed Bylaws. He further advised that copies of the Land Use Bylaw, the Official Community Plan and the two Local Area Plans were also available for viewing at this Public Hearing.

**3. “Central Saanich Land Use Bylaw Amendment Bylaw No. 1516, 2005”**

- a) Staff Memorandum dated December 1, 2004 from Hope V. Burns, Director of Planning and Building Services Re: Proposed Rezoning Application for Dock Expansion Adjacent to Butchart Gardens (previously received at the December 13, 2004 Planning & Development Committee Meeting);
- b) Staff Memorandum dated February 10, 2005 from Hope V. Burns, Director of Planning and Building Services Re: Rezoning of Water Lot Lease for Dock Extension, Butchart Gardens, 800 Benvenuto Avenue, Bylaw No. 1516, New W2-A Zone (previously received at the February 21, 2005 Regular Council Meeting);
- c) Council Motions to Authorize the Preparation of the Bylaw No. 1516 and to refer the Bylaw to a Public Hearing;
- d) Correspondence Received Pertaining to Bylaw No. 1516:
  - Harbour Air Seaplanes, December 8, 2004 (previously received at the December 13, 2004 Planning & Development Committee Meeting)
  - West Coast Air, December 10, 2004 (previously received at the December 13, 2004 Planning & Development Meeting).

The Director of Planning & Building Services, Ms. Hope V. Burns, advised that in general terms, the purpose of the proposed Bylaw No.1516 is to amend Bylaw No. 1309 by adopting regulations for a new Water Area (W-2A) Zone, which would allow the following

permitted uses: commercial moorage; docks and floats; ferry and water taxi wharves; fish guide service; floats, wharves, piers and walkways; loading and unloading facilities; public utility structure; and transient moorage. Ms. Burns advised that the Bylaw includes regulations with respect to setbacks of all floats and structures as well as overall length and width of private floats and walkways, and that the proposed Bylaw will also rezone District Lot 674, Cowichan District, Plan 14T1471 (Butchart's Cove, located adjacent to the Butchart Gardens, 800 Benvenuto Avenue) from Water Area (W-1) Zone to the new Water Area (W-2A) Zone. Ms. Burns noted that the proposed Bylaw would facilitate the installation of a dock extension for small boat moorage and float plane use by visitors to the Butchart Gardens.

Mayor Habkirk then opened the floor for representations from the public in regards to Bylaw No. 1516.

The applicant, Butchart Gardens indicated that they had nothing further to add with respect to their applications at this time.

Mr. John Tidman, 722 Sea Drive, advised that what goes on in "Butchart Cove" has a large impact on his property. Mr. Tidman stated that he has resided at his current address for 32 years, and in all that time Butchart Gardens has been a very forthright neighbour and has always been very up front in regards to their activities. Mr. Tidman stated that what Butchart Gardens is trying to do is laudable and he is supportive of approval of this application.

Mr. Roland Brown, 728 Sea Drive, advised that he has resided at his current residence for 60 years. Mr. Brown stated that he concurs with the statements made by Mr. Tidman with respect to this application.

Mr. Keith Davies, 6828 Jedora Drive, stated that he has always had good relations with Butchart Gardens however he has considerable reservations with respect to the issue of additional float planes in the Butchart Cove. Mr. Davies stated that the fuel causes fumes and odour and this particular proposal will only exacerbate that situation. Mr. Davies questioned the proposed size of the new dock and requested clarification on the proposed dimensions.

The Director of Planning and Building Services, Ms. Hope V. Burns, clarified the dimensions and size of the proposed new dock.

Mr. Arild Solbakken, General Manager of Butchart Gardens, stated that the existing float is 57 metres and the proposal is basically to double the length.

Mr. Davies questioned the frequency of departures and arrivals of float plane traffic.

Mr. Solbakken advised that there is no intention to expand the frequency of float plane traffic.

Councillor King questioned the frequency and number of flights to Butchart Gardens.

Mr. George Simon, Operations Manager at West Coast Air, advised that there have been 20 to 25 arrivals and departures to Butchart Gardens over a typical four month season.

Mr. Solbakken advised that flight tours to Butchart Gardens are not pre-booked and that in total there were approximately 135 float plane arrivals last season to Butchart Gardens.

Mr. Davies stated that the responses to the questions in regards to the number and frequency of float plane flights to Butchart Gardens seem a little open ended, and for him that raises alarm bells that the frequency of flights will increase as a result of any increase to the size of the dock facility.

Mr. Simon stated that by increasing the size and availability of the dock, this would alleviate and mitigate some of the float plane taxiing that is currently being carried out in the Inlet and the circling of float planes overhead.

Mr. Wayne Watkins, 7055 Wallace Drive, stated that he has profound concerns about what is being stated at the Public Hearing. Mr. Watkins noted that the Municipality has no regulatory authority over float planes and that currently there is a large amount of bus traffic to Butchart Gardens. Mr. Watkins stated that the noise from float planes is

considerable and extremely annoying and if the size of the float increases by doubling the size, it will now be able to accommodate more float planes. This will assuredly result in more float plane traffic on an annual basis and unless there is a way of putting a restriction or stipulation on the number of float planes so as to insure that there will be no increase in float plane traffic, then he is not supportive of the application.

Mr. Randy Wright, Vice-President of Harbour Air Seaplanes, stated that the float planes landing and circulating in the Inlet is the principal cause of the noise and smell. Mr. Wright stated that a larger dock would give the operators the opportunity of getting the planes down quicker and parked and shut down at the dock in a quicker amount of time, rather than doing donuts or circling in the air.

Mr. Bob Summers, 6820 Jedora Drive, stated that he has considerable concerns regarding the proposal to increase the size of the dock. Mr. Summers stated that the noise is worst when the planes are taking off and the exhaust and gasoline fumes are considerable. Mr. Summers stated that in his opinion this proposal would only encourage more float plane traffic and accordingly he is opposed to the proposed expansion to the dock. Mr. Wright concluded his remarks by stating that the float plane operations spoil the quiet enjoyment of his backyard.

Ms. Wendy Edwards stated that she was in attendance of the Public Hearing to represent the Tsartlip First Nation. Ms. Edwards stated that Tsartlip is concerned in regards to the proposal and is opposed to any expansion of the dock facility. She stated that Tsartlip is very concerned about the growth and strain on resources that are already in the Inlet.

Mr. Simon stated that currently the float planes have to arrive and disembark their passengers, and then leave and then return for passenger pickup.

Ms. Helen Lupowitz, 6776 Jedora Drive, stated that she is opposed to the application and that there should be other ways to encourage tourist arrivals to Butchart Gardens. Ms. Lupowitz stated that this proposal is not an environmentally conscious way of promoting tourist traffic to Butchart Gardens.

Mr. Peter King, 765 Harding Lane, stated that while he is supportive of Butchart Gardens, he has considerable concerns about the proposed dock expansion. Mr. King stated that he would prefer that, firstly, set scheduled flights be put in place, and then the need for further dock expansion assessed after a reasonable trial period.

Mr. Fred Peet, 1210 Marin Park Close, advised that the Municipality is suffering now because of float plane traffic from Vancouver to Victoria. Mr. Peet stated that additional float plane traffic will only further exacerbate this situation. Mr. Peet handed out promotional material (copy attached) from Harbour Air advising of a "Fly'n Dine to Butchart Gardens" and stated that the airline companies and Butchart Gardens are currently promoting this type of tourist traffic, and therefore increased traffic is to be expected should the current facilities be expanded. Mr. Peet also referred to the potential for accidents between float planes and dinghies and if this application goes through this will contribute to "paradise lost". Mr. Peet stated that the former owner of Butchart Gardens, Mr. Ross, was not in favour of Tod Inlet development, so he doubted that Mr. Ross would be supportive of this particular application. Mr. Peet also questioned the number of float plane arrivals cited by the General Manager of Butchart Gardens.

Mr. Davies advised that Butchart Cove is miniscule in size and has very steep sides, and as such this contributes to amplification of the noise and acoustics from the float planes. Mr. Davies stated that expansion of the dock facilities will not reduce the risk to boats currently in Butchart Cove as "if we build it, they will come".

Ms. Corinne Chabut, 813 Brentwood Heights, stated that in her opinion the increase in the size of the dock will lead to more float plane traffic, and increased float plane traffic will lead to more hazards to boat traffic that is already there.

Mr. Simon stated that the airlines don't dictate to the market, rather, the market is dictated by tourists. As such, the number of people that will come is not necessarily dictated by the size of the facility.

Mr. Wright referred to the "Fly'n Dine" brochure and stated that these excursions would be only once per day, but not necessarily every day depending upon bookings and the degree of interest which is driven by the market.

Mr. Peter King advised that his fear is that the planes may collide with erratic boats that are already in the Inlet.

Mr. Jim Devlin, Chief Pilot of West Coast Air, advised that Brentwood Gardens is located within the Victoria control tower area and as such flight patterns and landing and take offs are regulated. Mr. Devlin explained the landing and taxiing rules and stated that the whole point of building this expanded dock facility is to reduce the amount of traffic and, accordingly, reduce the amount of noise and fumes.

Mr. Tidman stated that he is not of the opinion that float plane traffic has increased over the years and in fact in his opinion the problem has actually improved somewhat. Mr. Tidman stated that the problem is where the float planes currently land and take off, and there is not a consistent flow of planes as this is driven by the market and degree of interest from tourists. Some days there are no float planes in the area and he is prepared to give Butchart Gardens the benefit of the doubt in regards to this overall issue.

Mr. Cecil Saffords, Chief Pilot of Harbour Air, stated that in his years of flying he has only been aware of two complaints about the Harbour Air operations to Butchart Gardens. Mr. Saffords stated that steps have been taken to move the take off area further out into the Inlet and that most float plane noise is generated by waiting for dock space.

Mr. Davies stated that whether the float planes are taxiing or taking off, noise is noise in the Inlet.

Mr. Watkins stated that while he was appreciative of the comments of the professionals, the most important thing to note is that it is the residents of Central Saanich who are going to be affected to the largest degree by this proposal. Mr. Watkins stated that while he feels that expanding the dock size may take care of some of the issues, what is unknown is whether this expansion will result in increased float plane traffic in two, three or four years time.

Ms. Chabut stated that she is surprised that Brentwood Gardens does not have a record of the number of planes that come into their area on an annual basis.

Councillor King questioned whether consideration has ever been given to transporting passengers from the float planes via dinghies.

Mr. Solbakken stated that there is a distinct possibility that float plane traffic could increase even without expansion of the dock.

Mr. Peet stated that he is supportive of the comments made by Mr. Wayne Watkins in regards to this application and that the residents whose property is going to be affected by this proposal should be given first consideration by Council. Mr. Peet concluded his remarks by stating that there are currently scheduled flights which are being offered by Harbour Air to Butchart Gardens.

Mayor Habkirk called three times for further representations from the public in regards to Bylaw No. 1516. There were no further representations.

Mayor Habkirk declared the Public Hearing for Bylaw No. 1516 closed.

**3. ADJOURNMENT:**

*On motion, the Public Hearing held on Monday, February 28, 2005 adjourned at 7:25 pm.*

Recorded by: Trish Flanders  
Municipal Clerk